

REMARKS

In the Office Action mailed December 30, 2008, the Office noted that claims 1-9 were pending and rejected claims 1-9. Claims 1, 8 and 9 have been amended, no claims have been canceled, and, thus, in view of the foregoing, claims 1-9 remain pending for reconsideration which is requested. No new matter has been added. The Office's rejections and objections are traversed below.

CLAIM OBJECTION

Claim 8 stands objected to for informalities. In particular, the Office asserts that the claim contains a typographical error and grammatical error.

The Applicants have amended the claims to overcome the objection.

Withdrawal of the objections is respectfully requested.

REJECTIONS under 35 U.S.C. § 101

Claim 9 stands rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. In particular, the Office asserts that the computer program is not embodied on a computer readable storage medium.

The Applicant has amended the claim consistent with the requirements of MPEP § 2106.01. Support for the amendment may be found, for example, in ¶ 0057 of the published version of the

Specification. The Applicants respectfully submit that no new matter is believed to have been added by the amendment of claim 8.

Withdrawal of the rejections is respectfully requested.

REJECTIONS under 35 U.S.C. § 112

Claims 1, 8 and 9 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In particular, the Office asserts "a link power which is the recording power which gives the reproduction quality measured by said measuring device in the second linear velocity," as in claim 1.

The Applicants have amended the claims to overcome the rejection. Support for the amendment may be found, for example, in Fig. 10(a) and the supporting text of the Specification. The Applicants submit that no new matter is believed to have been added by the amendment of the claims.

Withdrawal of the rejections is respectfully requested.

REJECTIONS under 35 U.S.C. § 103

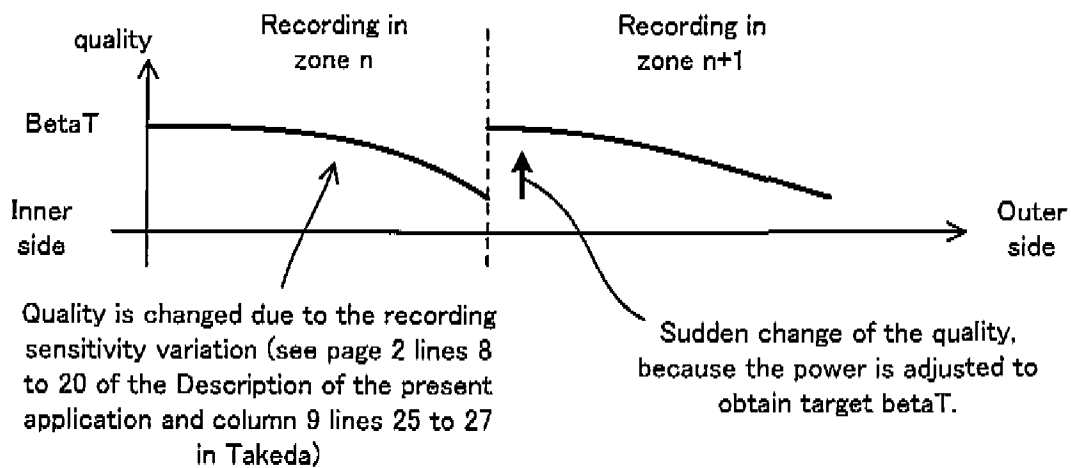
Claims 1-8 stand rejected under 35 U.S.C. § 103(a) as being obvious over Suzuki, JP Pub. No. 2003-085760 in view of Takeda, U.S. Patent No. 7,095,691. The Applicants respectfully disagree and traverse the rejection with an argument and

amendment.

On page 5 of the Office Action, it is asserted that Suzuki ¶ 0029 discloses "an adjusting device for adjusting the recording power, by a predetermined adjustment amount at a time in stages or in a predetermined change rate in continuity, such that the recording power changes from the link power to a reference power which is the recording power which gives desired target quality as the reproduction quality **and thereby the reproduction quality of the record information gradually or stepwisely changes from the reproduction quality measured by said measuring device to the desired target quality**, upon the recording speed being changed from the first linear velocity to the second linear velocity," (emphasis added) as in amended claim 1. Support for the amendment may be found, for example, on page 9, line 26 through page 10, line 5 of the Specification. The Applicants submit that no new matter is believed to have been added by the amendment of the claim.

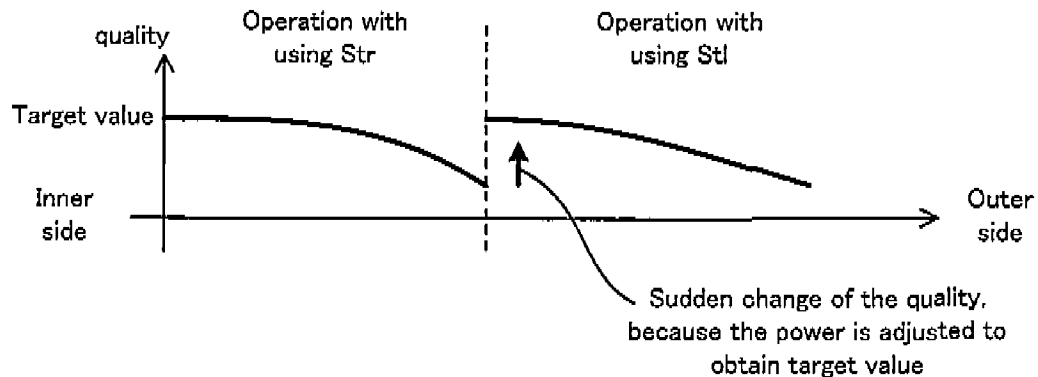
However, in Suzuki (see paragraphs 20 to 24), the recording power is adjusted on the basis of measured "beta", which is measured at the last recorded area before the zone-change, and desire target "betaT" when the zone-change is performed (i.e. the liner-velocity-change is performed). More specifically, in Suzuki, the recording power  $P[n+1]$  in zone "n+1" is determined on the basis of the formula  $Pw[n+1]=Pw[n+1]+K*(betaT-beta)$ . This means that the recording

power is adjusted such that the reproduction quality (i.e. beta) of the data, recorded after the zone change, suddenly changes to target "betaT", and does not gradually change from the "beta", which is measured at the last recorded area before the zone-change, to the target "betaT", which is desired quality after the zone-change. Such a feature in Suzuki would function accordingly:



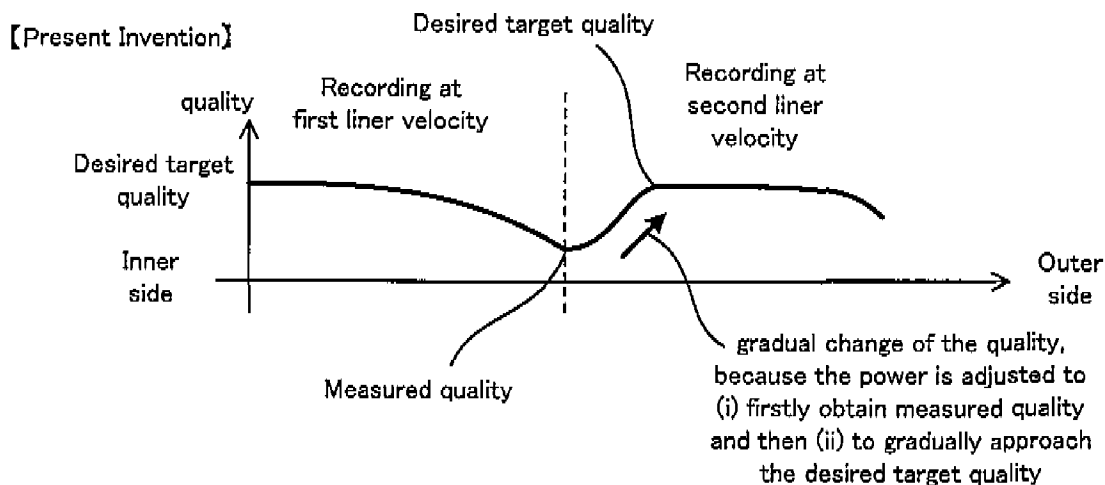
Similarly, in Takeda, the following two recording operations are used, (i) the recording operation with using the standard strategy Str and optimum recording power level Ptr; and (ii) the recording operation with using the low-power strategy Stl and optimum recording power level Ptl (see column 6, line 30 through column 7, line 12; and column 9, lines 20-51 of Takeda). However, in Takeda, the recording power is determined such that the reproduction quality (i.e. beta) of the data, recorded after the recording-operation-change, suddenly changes to target value, and does not gradually change from the reproduction quality of

the data, which is lastly recorded before the recording-operation-change, to the target value, which is desired quality after the recording-operation-change. Such a feature in Takeda would function accordingly:



Thus, according to the invention disclosed in Suzuki and Takeda, the reproduction quality (beta) is suddenly changed as shown in Fig. 10(b) after the zone-change, the liner-velocity-change or the recording-operation-change.

However, according to claims 1 to 9, since the recording power is gradually adjusted from the link power to the reference power, the reproduction quality of the record information gradually or stepwisely changes from the reproduction quality, which is measured at the last recorded area before the liner-velocity change, to the desired target quality, which is desired quality after the liner-velocity changes. Therefore, according to the invention defined by claims 1 to 9, the reproduction quality (beta) is gradually changed as shown in Fig. 10(a) after the liner-velocity change. Such a feature in the present claims would function accordingly:



Claim 8 has likewise been amended. Therefore, for at least the reasons discussed above, Suzuki and Takeda, taken separately or in combination, fail to render obvious the features of claims 1 and 8 and the claims dependent therefrom.

Claim 9 stands rejected under 35 U.S.C. § 103(a) as being obvious over Suzuki in view of Takeda in view of Nagano, U.S. Patent No. 7,053,919. The Applicants respectfully disagree and traverse the rejection with an argument and amendment.

Claim 9 has been amended consistent with the amendment to claims 1 and 8. Nagano adds nothing to the deficiencies of Suzuki and Takeda with respect to the features discussed above.

Therefore, for at least the reasons discussed above, Suzuki, Takeda and Nagano, taken separately or in combination, fail to render obvious the features of claim 9.

Withdrawal of the rejections is respectfully requested.

SUMMARY

It is submitted that the claims satisfy the requirements of 35 U.S.C. §§ 112, 101 and 103. It is also submitted that claims 1-9 continue to be allowable. It is further submitted that the claims are not taught, disclosed or suggested by the prior art. The claims are therefore in a condition suitable for allowance. An early Notice of Allowance is requested.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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